

CUSTOMER NO.: 38107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                             |   |                     |
|-----------------------------|---|---------------------|
| In re application of        | ) | Examiner: S. NAQI   |
| S. BREUER                   | ) |                     |
|                             | ) | Art Unit: 3736      |
| Serial No.: 10/541,560      | ) |                     |
|                             | ) | Confirmation: 5826  |
| Filed: July 6, 2005         | ) |                     |
|                             | ) |                     |
| For: <b>METHOD AND</b>      | ) |                     |
| <b>APPARATUS FOR</b>        | ) |                     |
| <b>COMMUNICATING</b>        | ) |                     |
| <b>WITH A MEDICAL</b>       | ) |                     |
| <b>DEVICE</b>               | ) |                     |
|                             | ) |                     |
| Date of Last Office Action: | ) |                     |
| March 21, 2008              | ) |                     |
|                             | ) |                     |
| Attorney Docket No.:        | ) | Cleveland, OH 44114 |
| PHDE030002US / PKRZ 2 01232 | ) | April 16, 2008      |

**ELECTION**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Election of Species Requirement of March 21, 2008.

The applicant elects species 2, in which the means for recognizing includes a software routine.

The applicant notes that the Examiner has held that the elected software routine is patentably distinct and inventive over the non-elected mechanical switch and magnetic switch species.

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I certify that this ELECTION is being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

April 18 2008  
Date

Patricia A. Heim  
Patricia A. Heim

**DEPOSIT ACCOUNT**

The Patent Office is authorized to charge any fees associated with this filing to our deposit account no. **14-1270**

Tom Lundin  
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Thomas M. Lundin, Reg. No. 48,979